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21

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,046	02/18/2004	Andrew Barmakian	13420	.8398
23676	7590	08/31/2005	EXAMINER	
SHELDON & MAK, INC 225 SOUTH LAKE AVENUE 9TH FLOOR PASADENA, CA 91101			LEE, JONG SUK	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,046

Applicant(s)

BARMAKIAN ET AL.

Examiner

Jong-Suk (James) Lee

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 32-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22,32-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed June 20, 2005 has been entered.

Claim Objections

2. Claims 32 and 40 are objected to because of the following informalities:

Claim 32, line 3: "reenforcing" should be -- reinforcing --.

Claim 40, line 2 (first and second occurrences): "reenforcing" should be -- reinforcing -- respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 38-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 38-41: The preamble, "The method" in line 1 is not in accordance with the preamble of independent claim 37, such as "A reinforced composite structure".

They are suggested to be -- The structure --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluys (US 4,357,891).

Sluys discloses a floating moorage device for use with piles comprising an elongate tubular member (20) having first and second ends, a length of at least 10 feet, an outside surface defining an outer cross-sectional area at a first location along the tubular member, and an inside surface defining a wall thickness of the outer cross-sectional area at the first location, the second end of the tubular member being implanted in the soil under a body of water so that the tubular member is disposed vertically, the first end of the tubular member being a free end and being disposed proximate to the surface of the body of water; and a resilient plastic body (18, Figs. 3-4) encapsulating only a portion of the outside surface of the tubular member including a portion proximal to the first end, the plastic body extending on the outside surface of the tubular member not closer to the second end than 20 percent of length of the tubular member, wherein the encapsulation extends lengthwise on the outside surface of the tubular member for least three

Art Unit: 3673

equivalent diameters of the outer cross-sectional area, the encapsulated the first end, wherein portion of the tubular member extends the tubular member, wherein the plastic body approximately flush with the first end of the tubular member, the plastic body further comprising elastomeric material, such as tires (50) with buoyant material (52) therewithin (see Figs. 1-7; col.3, lines 41-68; col.4, lines 1-68; col.5, lines 1-39).

Although Sluys fails to disclose the specific dimensions of the structure, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to change the dimension of the structure in order to provide the structure/baton according to the requirement of the use.

7. Claims 8-18, 20-22 and 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluys in view of Barmakian (US 6,244,014). The teachings of Sluys have been discussed above.

However, Sluys fails to disclose or fairly suggest the tubular member being a fiber-reinforcing material or fiberglass and the reinforcing element contacting the inside surface of the tubular member and the further details of the tubular member such as an elongate reinforcing member being shaped to be a loop or helically formed.

Barmakian discloses a steel rod-reinforcing plastic piling comprising an elongate composite tubular member (48) having first and second ends, a reinforcing element (16, 19) contacting the inside surface of the tubular member, wherein element comprises a shear-resistant material substantially filling the tubular member, wherein the shear-resistant material concrete, the reinforcing element comprises an elongate reinforcing member extending within the tubular

Art Unit: 3673

member and being in proximate contact with a portion only of the inside surface thereof, and longitudinally distributed plurality of loop elements which are helically formed, wherein adjacent loop elements of the reinforcing member have a pitch spacing between approximately 25 percent and approximately 70 percent of the equivalent diameter of the tubular member, the filling material for the piling may be low-density polyethylene which at least 60 percent being linear low density stretch film polyethylene, the additive component including an effective amount of an ultraviolet inhibitor (see Figs. 1-5; abstract; col.3, lines 61-67; col.4, lines 1-67; col.6, lines 17-67; col.7, lines 1-54).

Therefore, in view of Barmakian, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the reinforcing member with filling material to the member of Lablanc et al in order to enhance the reinforcement of the tubular member to the impact of vortex induced vibrations of sea water and the ship.

Response to Arguments

8. Applicant's arguments with respect to amended claims 1, 7, 10, 22; newly added claims 32 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3673

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (571) 272-7044. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl
August 26, 2005



Jong-Suk (James) Lee
Primary Examiner
Art Unit 3673